THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 21269 of 2005

08-12-2005

Between:

Dulam Appa rao S/o Late Appanna
Thummapala (V), Anakapalli Mandal, Visakhapatnam District

..... PETITIONER

AND

District Panchayat Officer, Viskhapatnam at Maharanipeta

.....RESPONDENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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WRIT PETITION NO : 21269 of 2005

O R D E R:

This writ petition has been filed by D.Appa Rao assailing the action of the District Panchayat Officer, Maharanipeta, Visakhapatnam-respondent in not according sanction to remove the sand from his

patta land bearing S.No. 438 of Satyanarayapuram admeasuring Ac.1.80 cents.

The petitioner is the owner and possessor of the land in survey No. 438 admeasuring Ac.1.80 cents. He submitted an application on 30-06-2004 to the respondent seeking permission for removing the sand from his land. Necessary remarks have been called for by the respondent in his letter No. 3405/98-A5, dated 01-07-2004 from the concerned authorities. Thereafter, the petitioner again submitted an application on 22-07-2005 seeking permission to remove sand from his land. The respondent issued proceedings No.3405/98-A2 dated 21-07-2005 for assessment of the extent of sand deposits in the said land. Assailing the said proceedings, the petitioner filed the present writ petition invoking the jurisdiction of this Court under Article 226 of the Constitution of India.

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj and Rural Development.

Learned counsel for the petitioner submitted that the reports were already called for basing on the earlier application of the petitioner and therefore further reports under the impugned proceedings from the concerned authorities are not warranted. The earlier application of the petitioner is dated 30-06-2005, whereas the later application of the petitioner is dated 21-07-2005. There is a gap of about one year between these two applications. Under these circumstances, the respondent cannot be found fault in calling for the reports from the concerned authorities to ascertain the extent of sand deposits in the patta land as on the date of later application of the petitioner.

Having regard to the facts and circumstances of the case and in view of the fact that the application of the petitioner is pending for more than one year, I deem it appropriate to direct the respondent to consider the application of the petitioner and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

With the above observation, the writ petition is disposed of. No costs.

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08-12-2005

Mjl/*